

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

TYCO HEALTHCARE GROUP LP and
UNITED STATES SURGICAL CORP.,

Plaintiffs,

v.

APPLIED MEDICAL RESOURCES CORP.,

Defendant.

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CIVIL ACTION No. 9:09CV176

JUDGE KEITH GIBLIN

FILED

P. M. March 19 20 10

DAVID J. MALAND, CLERK
U.S. DISTRICT COURT

By KD
DEPUTY

JURY VERDICT FORM

Question No. 1 (Infringement)

Do you find, by a preponderance of the evidence, that Tyco has proven that the Applied accused products infringe Claim 6 of the Smith '377 patent? Answer "Yes" or "No."

Yes

X

No

Please answer Question No. 2.

Question No. 2 (Invalidity—Obviousness)

Do you find that Applied has proven, by clear and convincing evidence, that one or more of the asserted claim(s) would have been obvious to a person of ordinary skill in the art at the time the Green '143 patent application was filed? Answer "Yes" or "No" for each claim.

Claim 12

YES

Claim 13

YES

If you answered: (1) "Yes" for Question No. 1, OR (2) "No" for either part of Question No. 2, please answer Question No. 3.

If you answered: (1) "No" for Question No. 1, AND (2) "Yes" for both parts of Question No. 2, please skip to the end of this verdict form and have the Jury Foreperson initial and date the form in the space provided.

Question No. 3 (Damages)

What royalty rate per trocar and total damages have Plaintiffs proven by a preponderance of the evidence? Answer the one applicable question below:

(A) If there is only liability for the Green '143 patent?

_____ (royalty rate in dollars and/or cents) x 3,656,388 (units) = \$ _____

(B) If there is only liability for the Smith '377 patent?

\$ 1.00 (royalty rate in dollars and/or cents) x 4,810,389 (units) = \$ 4,810,389.

(C) If there is liability for both patents?

_____ (royalty rate in dollars and/or cents) x 4,810,389 (units) = \$ _____

Please have the Jury Foreperson initial and date the form in the space provided below.

DATE 3-19-10

INITIALS OF FOREPERSON BH